

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:05CR256-10**

**UNITED STATES OF AMERICA,**

**Vs.**

**MARK WAYNE ROSS,**

**Defendant.**

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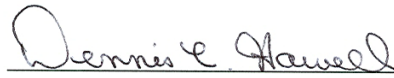
**ORDER**

THIS CAUSE coming on to be heard and being heard before the undersigned, pursuant to a motion filed by the defendant entitled, “Motion for Order Allowing Defendant to be Placed in Jail Based Drug Treatment Program” filed by the defendant. This request is a matter that should first be presented to the United States Probation Office through a request that the defendant be allowed to participate in the program. As a result, the undersigned has determined to enter an order denying the motion without prejudice so that defendant’s counsel can present her request to the United States Probation Office. If the request is denied, then defendant’s counsel will be allowed to file another motion requesting a hearing before the court regarding this issue. The request should show that defendant’s counsel has consulted with the United States Probation Office and that the request has been denied and the reasons for such denial.

**ORDER**

WHEREFORE, based upon the foregoing, the motion of the defendant is hereby **DENIED** without prejudice.

Signed: August 1, 2006



Dennis L. Howell  
United States Magistrate Judge

